



THE IOWA LAWYER

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A Profession on Edge

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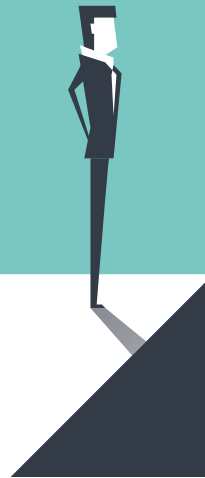
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THE ISBA WANTS TO HEAR FROM YOU! TAKE THE MEMBER SURVEY

If you haven't already done so, please take the time to fill out the 2019 ISBA Membership Survey, designed to help identify which member services and benefits represent the greatest value to you. The deadline to complete the survey is March 15, and can be found at this link:

<https://www.surveymonkey.com/r/2019ISBA>

To show appreciation for your participation in completing the survey and entering your contact information, you will automatically be entered into a drawing for prizes including an Amazon Echo Dot, a Google Home Mini or one of three Amazon gift cards. The drawing will take place on March 18, and winners will be notified.

HIGH SCHOOL MOCK TRIAL JUDGES NEEDED



Judges look on during the 2018 Iowa High School Mock Trial State Championship held in the Iowa Supreme Court room of the Judiciary Branch building.

The ISBA is looking for volunteers to serve as judges for the Iowa High School Mock Trial competition – both the regionals, which are currently underway and continue through March 20, and for the State Tournament in Des Moines on April 4 and 5.

Judges will be asked to assess student performances as they take on the roles of attorneys and witnesses. More than 2,000 students from across Iowa participated in mock trial last year, and more than 600 members of the bar assisted as judges and coaches in tournaments held throughout Iowa. Without the assistance of volunteer judges, these competitions would not be possible.

You can volunteer by contacting ISBA Center for Law & Civic Education Director **John Wheeler** at **515-697-7882** or **jwheeler@iowabar.org**.

Clarification: On page 18 of the February 2019 issue of The Iowa Lawyer, a photo caption indicated a ballot sent to ISBA members in the spring would contain names upon which to vote for ISBA Vice President. By-laws for a contested Vice Presidential election specify that the Board of Governors will vote on the candidates at their meeting in March, then put forth one name as Vice Presidential nominee which will appear on an electronic ballot sent to members. That ballot, to be sent in the spring, will also provide the opportunity for all ISBA members to vote on the President-Elect nominee, as well as the state bar association delegate to the ABA.

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GRATEFUL TO MEMBERS

TOM LEVIS,
PRESIDENT

On Feb. 4, Iowa Republicans unveiled their monumental proposal to change the way Iowa selects its judges. A few days later, I sent an email to each member of the bar association asking for help in defeating this legislation. I asked each member to contact his or her legislators and voice opposition to the legislation, and to solicit the support of businesses in opposition to the legislation. To my delighted surprise, within a couple of days of my call for help, I literally began receiving 30-35 emails and 15 to 20 phone calls nearly EVERY HOUR of the day! Most of the early emails and calls were from lawyers wanting to know how they could help defeat the proposed legislation. However, within days, I began receiving copies of hundreds of emails sent by bar members directed to legislators explaining why the proposed legislation would be bad and why these legislators should vote no. I also received copies of emails written by bar members directed to businesses throughout Iowa asking these businesses to contact their legislators and encouraging those legislators to vote no. Bar members throughout Iowa wrote letters to the editor and op-ed pieces for newspapers, even participating in TV and radio shows where the legislation was discussed and debated. To say I have been amazed by our member response would be an understatement. What is even more amazing is that all of this member activity took place in less than three short weeks! I am writing this President's Letter on Feb. 22, just 18 days after the proposed legislation was released.

Whatever happens with this legislation, I have been blown away by the responses of our members. I cannot tell you how grateful and proud I am of each of you. Iowa is a better state because of its lawyers. Thank you for your help to date, and thank you for your continued help.

NEW MEMBER BENEFITS

Despite the all-hands-on-deck response to the judicial selection legislation, ISBA Assistant Executive Director Harry Shipley has been hard at work creating two new member benefits that

will enhance your practice. Harry and several talented software programmers developed a child support guidelines program that is free to members if you have IowaDocs. Harry successfully tested this program with Iowa lawyers for several months before it was released in January of this year. It is proving to be very popular. Check it out. If you like it, you will save yourself about \$300 per year. If 1,000 members use the bar's child support program, our membership will save about \$300,000 every year! That's what I call a member benefit!

Harry also released in January the ISBA's new Trustifi email encryption program. It is an unbelievably robust program that allows you to encrypt emails you send and identifies untrustworthy emails sent to you. Unlike many email encryption programs, Trustifi does not require you to create a password for your day-to-day emails. But if you want to have the most secure email encryption available, Trustifi will take care of it for you. Trustifi will also examine every email you receive. If the email is from a trusted source, Trustifi will tell you. If the email is from a suspicious source, Trustifi will warn you before you open it. Amazingly, the bar is offering this program at \$25 PER YEAR! Whether you are a solo practitioner or a member of a large law firm, check out Trustifi. As someone whose firm was recently the victim of ransomware, I can assure you that the experience is not one I want to repeat. Our network was hacked in January by someone responding to a bad email. Thankfully, our data was encrypted so the bad guys couldn't access any information, but the bad guys still punished us. They wiped the data off each PC in our office (about 60 PCs). It took four days to restore the data from the backup. That was four days of little office productivity. In light of our experience, \$25 a year for Trustifi seems pretty cheap. *You can read more about additional new ISBA member benefits on page 13.*

CUBA

Timing was not so good for me, but on Feb. 2, three days before the new judicial selection legislation was unveiled, my wife and I joined a group of 35 lawyers and spouses on a five-day cultural

exchange trip to Cuba. It was one of the most interesting and enjoyable trips I have ever done. But don't take my word for it, ask my fellow travelers.

Joining the Iowa lawyers and spouses were Dr. Andrew Berkow and his wife Marilyn, two close friends of Davenport attorney Jim Mezvinski and his wife, Mallory. On our last day, despite having to put up with lawyers for five days, the Berkows asked me when the next Iowa State Bar Association trip would take place. They want to go!

Des Moines patent lawyer Bruce McKee told me that the bar's Cuba trip was the best trip he had ever taken. West Des Moines attorney Amanda James said in an email to me: "Thank you so kindly for a once in a lifetime opportunity to experience Cuba... I would go on another ISBA-sponsored trip with that tour company in a heartbeat. What a thrill!"

Elisabeth Archer was the youngest lawyer on the trip. In addition, she was traveling by herself. I worried she might not have a good time, especially with a bunch of older couples. Au Contraire! Elisabeth had a marvelous time and will be writing about her experiences in a future edition of *The Iowa Lawyer*.

I am certain we will do more trips in the future. It wouldn't surprise me if we returned to Cuba next year, but we are also looking at Bolivia, Morocco and Mexico City. The bar is not interested in making money on these trips. The bar is interested in creating a unique venue for Iowa lawyers, judges and spouses to visit, and at the same time establish relationships with one another (and an occasional non-lawyer friend). I know from my own experience, I made lifelong friends while enjoying the fascinating country of Cuba. Like Amanda James, I would do it again in a heartbeat!

*Thanks for reading,
Tom*



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A PROFESSION ON EDGE

By Wood R. Foster, Jr. **PART ONE: THE PREMISE**

This is a two-part article about rapid changes that are affecting, or will affect, every practicing lawyer (and would-be lawyer) in the United States.

In answer to your question: “What the heck do you know about it?,” allow me to introduce myself. I was born and raised in a chilly state just north of you, and my 45-year legal career was spent entirely in the Twin Cities. My litigation practice took me to more than 25 states, none more often than Iowa. I was lucky enough to co-counsel on several Iowa class actions with excellent lawyers from Mount Pleasant and Burlington, one of whom later served as Iowa’s governor.

As I travelled, I met hundreds of lawyers, and I developed a fascination for the profession in the broadest sense. I came to understand that lawyers acting together are by default the ultimate “caretakers” of our profession. I became active in Minnesota’s voluntary bar association and led the

MSBA as the 21st century began. By 1999, Minnesota’s lawyer population had tripled since I was admitted in 1968, as had the number of lawyers in the nation. Lawyer population across the nation had averaged a steady four percent annual growth for the last 30 years of the century.¹

As 2000 arrived, there were almost a million lawyers in the United States—over three times the number when I joined up. There were 190 law schools. Hourly rates and starting salaries were steadily rising. Lawyers made livable, sustainable incomes. State bar associations were dynamic; all of them were growing. As we stood at the brink of the new century, the outlook for lawyers was nothing short of continued growth, prosperity and relevance.

And yet, less than two decades later, a plausible argument can be made that the practice of law in 2000 bore much more similarity to the way lawyers practiced in 1968 than to the way we practice today.

A series of demographic, market and technological changes are retooling our profession in unprecedented and largely unforeseen ways. These changes are impacting every state; Iowa is no exception. The practice of law is dividing and subdividing into a myriad of specialty practices that make it more and more difficult for us to nurture the unique commonalities that allow us to call ourselves “professionals.” Almost all voluntary state bar associations are shrinking, including yours, and I suspect that active member participation in mandatory associations is dropping at similar rates.



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In 1999, law firms formed and grew as they always had. Clients were wooed and lawyers retained on the basis of reputation and personal relationships. Larger firms grew in tandem with their growing (and mostly local) business clients. Small firms grappled with time-worn legal issues faced by generations of predecessors. The word “BigLaw” was unknown.

Technology had barely started its transformational march in 1999; “word processing” (an antiquated term now) and primitive electronic legal research had slowly found their way into general use. “Smartphones” didn’t even exist! Today, at the national level, things are changing with remarkable speed:

- In 2018 more than half of all states reported a smaller lawyer population than they did the year before;
- The nation’s entire lawyer population grew in 2017 by less than 3,000 lawyers—that’s about the same number that graduated from the combined law schools of Iowa, Minnesota, Illinois and Missouri that year;
- The job market for lawyers is dramatically depressed. A “class” of tens of thousands of (mostly) heavily indebted lawyers who will almost certainly never practice law has been created;
- The gap between large-firm and small-firm/solo lawyers is growing fast, though not as much in Iowa as in Minnesota, and not as much in Minnesota as in the really big states.

Reasonable assumptions we made about the future of the profession in 2000 have been seriously challenged—even upended—during the first 18 years of this century.

I’m not an Iowa lawyer, but I can help put your experience into both temporal and national contexts. I’ll compare what’s happening in Iowa to what’s happening elsewhere. In myriad ways, we have less and less in common with one another. The very fact that most lawyers now occupy smaller and smaller practice “niches” has ominous implications in terms of our ability to maintain our collective self-image—let alone our public image—as a profession.

LAWYERS AND JOBS: IOWA AND THE NATION

A close look at U.S. lawyer demographics since 2000 quickly reveals that steady twentieth century growth in U.S. lawyer population – which tripled in size between 1970 and 2000—is suddenly approaching a standstill.

Ten years ago, there were about 1.16 million lawyers in the nation. Today there are 1.34 million. That’s an average annual growth of roughly 17,700 lawyers a year—about half our law schools’ annual output. But total U.S. lawyer growth during the last three years is only 38,000—roughly the number of would-be lawyers who graduate from the nation’s law schools every single year.

Sixteen states, including Iowa, have averaged less than one percent growth per year in lawyer population over the last 10 years. This group includes large states like Pennsylvania, Illinois, Massachusetts and New Jersey, along with many smaller states.

To no one’s surprise, Iowa—with 7,454 lawyers—is not in the “top 25” when it comes to lawyer population. In fact, Iowa is thirtieth. The state hosts less than one percent of the nation’s lawyers, which sounds tiny until you consider that over 50 percent of all U.S. lawyers practice in New York, California, Texas, Illinois, Florida and Washington D.C.

As it did in many states, Iowa’s lawyer population shrank during 2016 and again during 2017. Overall, your population has grown by fewer than 100

lawyers since 2013. At the same time, your two law schools produce 225 new lawyers every year.

You’re hardly alone. More than half the states lost lawyer population in 2017, including Minnesota, Wisconsin and Missouri.

Something very big has changed, and we’re all ignoring it. No, the sky is not falling. And the general public is certainly not one bit alarmed by the prospect of fewer lawyers. But it is worth noting that even after the imminent closure of Valparaiso Law School in Indiana, there will still be about 10 more law schools in the United States today than there were in 1999. Also, between one-third and one-half of all new lawyers seeking jobs as you read this are finding literally no meaningful opportunities to “practice law” as we all understand that term—even if they can pass a bar exam, which far too many cannot.

Columnist David Brooks, in a Nov. 30, 2018, New York Times opinion piece on the “gig” economy (in which work is “temporary and insecure”), noted that well-educated young people who have gone through their full education are finding that “normal professions for liberal arts grads, like the law, are drying up.”

A 12-year American Bar Foundation study was conducted from 2000 to 2012. Its authors surveyed 3,000 members of the national “Class of 2000” –first upon graduation and again at three-year intervals.²



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The results tell the story:

- By 2012, 24 percent of the lawyers—now 11 or 12 years out of school—were not practicing law in any setting—a dramatic increase from the 14.7 percent who were not practicing in 2003.
- The percentage engaged in private practice of any kind decreased from 68.6 to 44.1 percent between 2003 and 2012.

In 2015, Ohio State law professor Deborah Merritt researched each of the 1,214 lawyers who had been admitted to the Ohio bar in 2010.³ Five years after admission, she found:

- 6.3 percent were altogether unemployed;
- Among the employed, only three-quarters held jobs requiring bar passage, and many of those reported solo practices. She found no evidence (such as a website) that 50 percent of the sole practitioners were actively practicing at all.

The ABA tracks employment outcomes for recent law graduates. As of April 2018, two years after graduation, only 62 percent of all U.S. law school 2016 graduates were in full-time, long-term employment requiring a JD. There were only five law schools in the entire nation from which 90 percent or more of the schools' 2016 graduates had found long-term, full-time, JD-required jobs two years after graduation, and only 16 more with 80 percent or more thus employed.

For the University of Iowa, that figure is 71 percent. That sounds low, but 71 percent puts Iowa in the upper 15 percent relative to all law schools.

Drake is close to the median, placing about 60 percent in each of the last two years. For an astounding number of schools nationally, these figures are below 40 percent.

Before we look more closely at the law schools, I'll touch briefly on another troubling demographic about lawyers and jobs; the gender and race balance in our profession, simply put, diminishes us.

Iowa can proudly boast that in 1869, the nation's first female lawyer, Arabela Mansfield, was admitted to practice in Iowa. But one-and-a-half centuries later, women make up only 36 percent of our nation's lawyer population, as compared to their 56.7 percent presence in the professional workforce as a whole. As it happens, the percentage of Iowa female lawyers in 2018 coincides precisely with the national percentage rate of 36 percent.⁴

Women currently constitute only 17.4 percent of equity partners in U.S. law firms and 27 percent of state and federal judges. In December 2018, the ABA reported that male partners in the largest U.S. law firms receive 53 percent more compensation than their female partners. And yet more than half of today's law students nationwide are female...⁵

Similarly, A.H. Watkins became Iowa's first African-American lawyer in 1874, but even today, African-Americans make up less than five percent of our national lawyer population, a rate that has barely changed in 10 years. African-American males make up

less than two percent of U.S. law firm partners.⁶ While this is an issue for all lawyers, Iowa cannot be singled out in this respect, because four percent of Iowa's current lawyers are men and women of color—very close to their total percentage in Iowa's general population.⁷

LAW SCHOOLS TODAY: CAVEAT EMPTOR

It's not a stretch to suggest that there ought to be a reasonable relationship between lawyer population and law school output. But currently, that common-sense suggestion is being challenged in almost every state. To be sure, this is a (much) smaller problem in Iowa than in Illinois, for example, which grew by less than 200 lawyers last year, but hosts eight law schools that graduate about 1,500 new lawyers per year.

And while recognizing from the outset that both Drake and the University of Iowa are high-quality institutions, it is nonetheless a fact that bottom-tier schools (of which there are none in Iowa) are a problem in—and for—our profession. "The Rooster Bar," John Grisham's latest (though not his best) novel, paints the ugly picture of the nothing-to-lose-by-producing-losers behavior of bottom-tier law schools that have no incentive to close because of the endless availability of no-questions-asked federal loans.

Younger Iowa lawyers know exactly what I'm talking about; Iowa's 2015 Survey established that 89 percent of respondents had debt at graduation; three-quarters had debt of \$75,000 or more, and 30 percent had debt of \$150,000 or more.⁸ Law School Transparency reports that between 75 and 85 percent of all law students borrow for tuition, and that average 2017 debt upon graduation from private law schools was \$130,000, and for public law schools, \$93,000. These figures don't include accumulated interest on the loans.

Lawyer overproduction is not a temporary phenomenon. The problem is getting worse, not better. The law school "industry," both public and private, is neither self-regulating nor

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state-regulated. At least 91 law schools currently accept more than fifty percent of their applicants. A few accept three of every four. Are these schools trying to create future lawyers? Or are they filling seats?

A few years ago, law school scholars voiced alarm about the fact that several of the worst law schools in the country were accepting 25 percent (or more) of their first-year class despite LSAT scores below 147. Why is this important? Because respectable studies establish a strong correlation between applicants with LSAT scores of 147 or less and later inability to ever pass a bar examination.⁹ But the cries of alarm fell on deaf ears; nearly a quarter of the nation's law schools currently admit 25 percent or more of their applicants with scores below 147. Happily, neither of Iowa's law schools falls into this dismaying category.

The very fact that graduates of the nation's many bottom-tier law schools can't find jobs makes it easy to suppose bottom-tier schools must be facing existential threats. But they aren't. With rare exceptions, the worst-performing law schools are not closing their doors. Tuitions are rising, not dropping. They do everything they can to fill their first-year classes because the traffic will bear it. The availability of federal loans is not tied in any way to the quality of the institution or the likelihood that students attending these schools will achieve success. The result: underperforming schools have exactly no incentive to improve.

Steven Harper, author of "The Lawyer Bubble: A Profession in Crisis," cogently explains why law schools can continue to raise tuition in the face of poorer and poorer employment outcomes: "The system of virtually unlimited federal loans for a legal education has allowed deans to operate without meaningful long-term financial accountability for their actions."¹⁰

Bar passage rates can be misleading because they vary widely among states. "Only" 78 percent of Iowa's examinees passed a bar exam in 2017. But Iowa's passage rate is far above the 2017 national rate of 59 percent, and statistics show that University of Iowa law grads

have a nearly perfect passage rate within two years of graduation.

The law school problem is very clear, and it affects us in ways that can't be quantified. All of us pay an unacceptably high price for neglecting this issue, because our law schools no longer attract the cream of the undergraduate crop. By 2016, law school applications from 11 of the nation's most prestigious undergraduate colleges and universities (Harvard, etc.) had dropped by more than 40 percent since 2008.¹¹ The smartest undergraduates are simply more attracted to other careers.

The takeaway: Underqualified, debt-laden students will continue to emerge from a serious oversupply of law schools and will continue to encounter punitively high barriers to meaningful employment.

Caveat emptor is rough justice indeed for those who borrow heavily for a degree they may never be able to use. Isn't it time for state bar associations to involve themselves in this dismal situation? Or is the quality of future lawyers just none of our business?

In Part Two of the article next month we'll look at the entertaining—and profession-changing—phenomenon of BigLaw, along with a look at how solo and small practice lawyers are faring. We'll close with a discussion of why we need to keep the profession as a whole in our sights as we rush into the future.

FOOTNOTES

1. Throughout Part One, lawyer counts and law school admission/selectivity/job placement demographics and rankings are based on ABA's 2018 population survey reflecting state lawyer populations on the last day of 2017, law school 509 disclosures and related statistical/employment reports; Law School Transparency's online

statistics; ABA Commission on Women reports; and annual law school rankings by U.S. News & World Reports. Information on first female and African-American lawyers is from Wikipedia.

2. See: (1) <http://www.americanbarfoundation.org/uploads/cms/documents/ajd.pdf> (2004); (2) <http://www.law.du.edu/documents/directory/publications/sterling/AJD2.pdf> (2008); and (3) After the JD III: Third Results from a National Study of Legal Careers (ABF and NALP Foundation 2014).

3. "What Happened to the Class of 2010?" by Deborah Merritt 03/14/15, Law School Café/ <http://www.lawschoolcafe.org/2015/03/14/what-happened-to-the-class-of-2010/>

4. ISBA 2015 Salary and Economic Survey ("Iowa Survey"), p.93

5. "IILP Review 2017: The State of Diversity and Inclusion in the Legal Profession" by Elizabeth Chambliss, http://www.theiilp.com/resources/Pictures/IILP_2016_Final_LowRes.pdf

6. "Diversity in the Legal Profession Has Flatlined...." by Renwei Chung, <https://abovethelaw.com/2017/01/diversity-in-the-legal-profession-has-flatlined-since-the-great-recession-who-is-to-blame/>

7. Iowa Survey, p.92; StatisticalAtlas.com, "Race and Ethnicity in Iowa".

8. Iowa Survey, pp. 82-87

9. "Seeking Clarity – Some Dangerous Questions..." David Frakt, Faculty Lounge 12/2015, <http://www.thefacultylounge.org/2015/12/seeking-clarity-some-dangerous-questions-for-professor-lyke-.html>; see also "Impact of the Increase in the Passing Score on the New York Bar Examination," Report for Bd. of Law Examiners; NCBE, 10/2006

10. "Too Many Law Students, Too Few Legal Jobs," Steven J Harper, New York Times, 8/25/2015, http://nytimes.com/2015/08/25/opinion/too-many-law-students-too-few-legal-jobs.html?_r=0

11. "Smart Kids Stay Away From Law School, Girls Take Over," Keith Lee, Above the Law, <http://abovethelaw.com/2016/03/smart-kids-stay-away-from-law-school-girls-take-over/>



Wood R. Foster, Jr. practiced law in Minneapolis from 1968 through 2013, most of it as a litigator with the Siegel Brill firm. He served as 1999 president of the Minnesota State Bar Association and spearheaded the preparation of a 400-page history of the practice of law in Minnesota from 1849 to 1999. In 2017, he was awarded the MSBA's Lifetime Achievement Award.

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DIRECT EXAMINATION SIMPLICITY MISUNDERSTOOD

By Hon. Robert J. Blink, Senior Judge

Direct examination is the simplest of trial techniques. Many lawyers make it complicated. They add what is unnecessary and compound it with redundancy.

There are several basic rules of good direct examination which, if followed, will keep your interrogation focused and effective. Some of these rules concern the substance and structure of the examination and some concern the manner of delivery.

For the trial lawyer, speech and diction are weapons. Used succinctly, they can strike at the heart of the matter. Used obtusely, they might develop the record in subtle and unobserved ways or completely confound the jury.

All speech, including interrogative speech, has four components relating to delivery: meter, amplitude, pitch and pause. Any one alone, or in combination, can focus the fact-finder's attention, without regard to the form of the question or content of the answer.

Meter is the pace of the questioning – more rapid when dealing with mundane or foundational material; more deliberate when addressing pertinent subjects.

Amplitude means volume. Loud-speaking lawyers grate on the jury (and the judge). Rarely is volume equated with gravitas. Along with repetitive questioning, it is one of the easiest ways to lose a jury. This is particularly true in direct examination, where a muted tone in questioning keeps the attention on the witness's answers. Nor does bombast evoke

subtlety or acute reasoning, which are important components of the lawyerly skills set.

Pitch relates to high or low octave. To some degree, this is limited by the voice one has been given. But all people have a "range" of pitch to their voices that they can control. Generally, a lower pitch imparts importance; a high pitch is considered shrill and, after a while, annoying. A shrill voice calls attention in a negative way; the lower voice is less obtrusive and more inviting. Nonetheless, there may be times that a question asked in an elevated pitch may be appropriate.

Pause relates to the time interval between the end of a witness's answer and the beginning of the next question. Pause is a key to controlling the pace of an examination. Many less experienced trial lawyers fear "silence" in a courtroom. This drives them to a rapid meter in their examination with virtually no pause, often speaking over the end of an answer. How is one to point out the significance of an answer if one is chewing up the witness's words?

The fear of courtroom silence also causes lawyers to begin a question before they have carefully framed the question in their mind. They do not think before they speak. The result is constant re-phrasing of questions in mid-sentence – confusing the jury and frustrating the court reporter. Better to allow for some quiet time and think about the question before it is asked.

Want to know what your questioning sounds like to a jury? Read the last

trial transcript of your examinations. Read them out loud. Every time you see a "dash" in one of your questions, pause before continuing. Reporters put dashes in a transcript when a lawyer changes thoughts mid-sentence. If your questions sound disjointed or confusing, imagine what kind of impression you are making on the jury.

The key to the four components of speech is to understand they are most effective when used in contrast. Not every question should employ the same meter, amplitude, pitch and pause. Contrast is the important thing. Part of Shakespeare's greatness was the contrasting humor injected into his tragedies, and the sense of sadness interspersed in his comedies. For the direct examiner, the skill set requires "grey" questions that also reflect the examiner's interest in the anticipated answer.

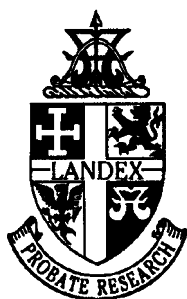
The substantive rules governing direct examination are: 1) the power of less; 2) practice must be harder than the game and 3) it is not about you. Put in a single axiom: the good direct examiner is brief and confidently humble. Confidence comes from repetitive success.

Simplicity fosters focus and enhances efficiency. Lack of distraction and good time management maintain the jurors' attention. Less is more.

Doing something again and again until it becomes second nature is practice. For the examiner this means the facts must be studied and known. It means the witness must be familiar to the examiner, in personality and cognition. A direct examiner cannot be confident unless he or she has been relentless in the pretrial preparation.

Humility is not the product of practice so much as the ability to perceive oneself as others do and appreciating what is offensive, intimidating, charming or deferential. In direct examination, more than in any other component of trial work, the focus must not be on the lawyer. Misunderstanding this concept, next to ill preparation, is the greatest cause of flawed direct examination.

It is axiomatic that trial lawyers, like surgeons, have and must have healthy egos. Having unknown people



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constantly scrutinizing you in real time is not a business for the faint of heart. But for many lawyers, experienced and neophytes, their ego is manifested in arrogance or false bravado. Arrogance and humility are opposite sides of the same coin. Confidence is the metal from which the coin is made.

Human nature does not allow an arrogant lawyer to step into the shadows and allow the courtroom spotlight to shine exclusively on a witness. Human nature does allow a humble person to defer to another on the stand. This is the essence of direct examination: the fact-finder's exclusive attention directed upon the witness, unimpeded by the personality of the examiner.

If one understands that confidence is the product of hard work and humility is the trait of thinking of others first, the framework of effective direct examination is understood.

Trying a lawsuit is telling a story through the words of others. Each witness is a separate chapter in your client's story, the theory of your case. If a portion of the story is incoherent, convoluted, redundant or overly complicated, the story will be lost. The most effective storytelling is that which includes just enough information to convey a thought and no more. Surplus information or facts are a distraction to the fact-finder. Rarely has a juror said in posttrial interviews, "I wish I had heard the same thing four more times," or "if only the case had gone on for another week or two."

Each witness on direct must supply only those few facts needed to provide their part of the big picture. An effective surgeon makes only the cuts needed to achieve a given result, so too a good direct examiner.

Good storytelling requires a narrative: facts, observations and actions of the witness explained in his or her own words. To achieve this the witness must be prompted to speak, to explain, to emote. If this happens and the jury does not notice the examiner, so much the better.

Keep the testimony simple in progression and diction. First, to accredit the witness. Let the jury "meet" the witness through short biographical questioning. Who is this person giving us

information? Follow this with questions that establish the witness's competence and personal knowledge. How is it that they know what they know? Every lay witness is confined to matters of which they have personal knowledge. If this foundation is properly laid at the inception including their emotional state at the time of the events they relate, the critical objections of relevance and hearsay are obviated. Without the interruption of objections, the narrative, storytelling is more fluid and engaging. Describe the scene in which the witness found himself or herself. Then help the person relate what they saw, heard or felt. Remember you are painting a verbal picture. Be a verbal Bob Ross.

Haste and ornate language do not make questioning simple. Use diction that most easily conveys the significant information. Unlike you, who knows the case well, the jury is hearing the testimony for the first time. Use a pace that allows them to fully digest the testimony. Direct examination must be driven by the rate which allows the jury to absorb the information. The pace should slow at the important points and return to a brisker pace relating to less essential information.

Direct testimony, like a chapter in a book, must have an internal order of proof – a beginning, a middle and an end. The most easily understood order of proof is chronological. But dividing the examination into parts organized by information about different people, locations or objects also works well.

A good direct examination must establish two, perhaps three, critical

points. It may take 20 short questions to establish one of those points. The rule of primacy and recency applies to the internal order of proof. People recall best that which they hear first and that which they hear last. Put the mundane, weak or foundational material in the middle.

Leading questions should be avoided almost categorically in direct testimony except where permitted to lay foundational material. Leading questions impede narrative and remove the focus from the witness to the lawyer.

Put yourself in the background. Use questions that have no more than five words: "Then what happened?" "What did you see?" "What do you mean?" "What happened next?" Let your demeanor demonstrate your interest in the testimony to promote the interest of the jury. Use part of the last answer in the following question.

Sometimes witnesses have difficulty articulating their knowledge or explaining themselves. If you sense their answer is prolix or fails to explain their thoughts and the jury is lost or confused, you must be the lightning rod of the jury's misunderstanding. You might say, "I am sorry; I am not sure I understand. Could you run that by me again?" Remember, the art of direct examination is to ask questions that the jurors would ask themselves, within the bounds of the rules of evidence and legal ethics.

We have all heard the phrases "take the wind out of their sails," or "beat them to the punch" or "steal their thunder." Most witnesses you will call

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have some information or conduct that might be supportive of your opponent's theory of the case, or injurious to your witness's credibility. These topics should generally be included in the middle of your direct, and the witness given an opportunity to explain and defend the potentially damaging

information. Even if explored further on cross-examination, you have let the "cat out of the bag," and the effect of the cross-questioning is diluted.

In Iowa, we do not follow the "buffalo rules" of examination. You cannot just roam all over the courtroom. You should approach the witness only with

the court's permission and only for the purpose of using a physical exhibit. Excessive movement of counsel, like excessive verbiage, distracts from the witness. Contrary to cross-examination, where the exhibits are thrusts or lunges toward the witness, exhibits in direct are served up "softballs" for the witness to launch.

Direct examination should be the simplest trial technique. Keep it that way through exhaustive pretrial witness preparation and humble, confident and deferential questioning.




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Robert J. Blink is a Senior Judge for Judicial District 5C. He served as a trial judge for 22 years after a 20-year career as a criminal and civil trial lawyer. He has been a professor of Trial Advocacy at Drake University Law School since 1981.



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WHAT DOES MEMBER ENGAGEMENT LOOK LIKE TO YOU?

By Hank Hanson, ISBA Membership Engagement Coordinator

As Andrea Pellegrino (Demand Perspective Blog) reminds us, "It's All Engagement...every customer service inquiry, complaint, voicemail, email or other message. Every website visit, page click, email open and click-through... is engagement. Every online search that turns up your association or one of its products or services or initiatives...is engagement. Every forum where the issues that concern your members and industry are discussed (even if they are not yours) is engagement."

We know that each of our members have their own personal reasons for belonging to The Iowa State Bar Association. Whether they are young law school graduates, just recently admitted to the practice of law, or senior attorneys who have celebrated their 50th year in the profession, all are important.

Our challenge is to encourage membership engagement among all these individuals. Whether providing CLE courses throughout the year, advocating on your behalf at the Statehouse, offering programs to improve the efficiency of your law office, or negotiating discounts on programs and services that benefit attorneys, we take our role seriously.

Much is planned for 2019 and several initiatives have begun already:

- **Fastcase** – The popular legal research database available free to members is helping to familiarize you with the program by offering a variety of instructional webinars

each and every Thursday at noon between now and Nov. 7. For more information and to register for any of these free webinars, just check out our CLE Calendar.

- **LawPay** – The online payment solution recommended by 47 state bar associations now includes eCheck processing. Accept check payments online through LawPay for zero percent and a flat \$2 per transaction. All card and check transactions are 100 percent IOLTA compliant

- **IowaDocs** – The IowaDocs 2019 Library was just released in mid-February. If you haven't renewed your subscription – what are you waiting for? Your IowaDocs subscription this year will include the new Child Support Calculator which was developed with the cooperation of the ISBA Family and Juvenile Law Section. The Child Support Calculator includes both forms 1 and 2. Calculations can be completed using the 2019 or 2018 tax rates.

- **Trustifi** - Totally new for this year is the introduction of Trustifi, an email encryption service. Cybersecurity is a major concern and the time is right to make sure that you and your firm are protecting all of the sensitive information being emailed between the lawyers and the clients you represent. This revolutionary one-click encryption program offers military-grade security for the low price of \$25 per email account per year. Trustifi's Postmark is a federally-accepted method for sending documents online. To learn more

about Trustifi and email encryption, please go to our website and watch a short video.

We recently sent out a survey to solicit input from all of our members on the many programs and benefits currently being offered by the ISBA. The 2019 Membership Survey will remain open through mid-March, so if you have not had the opportunity to complete the survey yet, please take advantage of the opportunity to do so. This is a very important tool to help us better understand and gauge your level of membership engagement. Your input is critical to this process and will help to determine the future direction of the association.

After tabulating the results of the survey, an executive summary will be presented to the board at its March Board of Governors meeting. Those survey results will then be shared in the April edition of the Iowa Lawyer magazine.

Moving forward, we hope to include one short survey question in each edition of the Iowa Lawyer Weekly. We hope that this will help generate regular continuous feedback on a variety of member issues. As always, we want to hear from you.



Hank Hanson,
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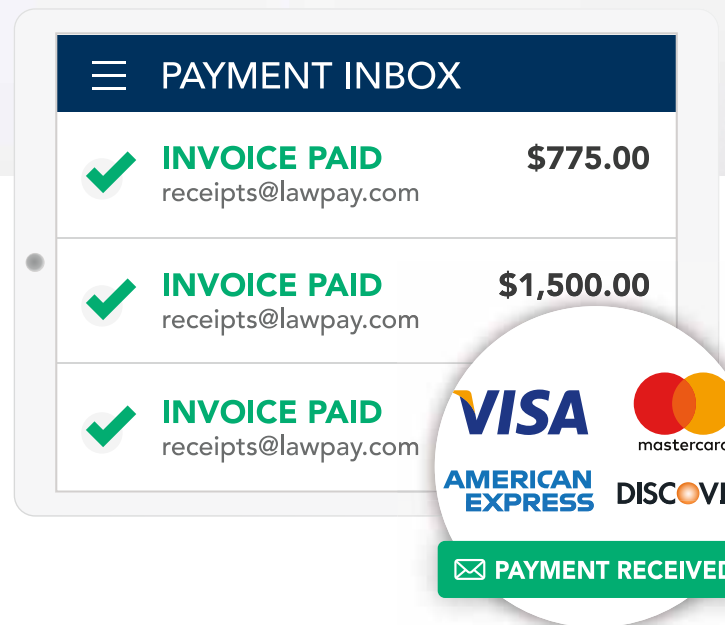


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IOWA STATE BAR ASSOCIATION — 2019 Affirmative Legislative Program (Updated 3.1.2019)

Bill No./Subject	Bill Description	Bill Status
HSB 209 /SSB 1199 Business Law <i>Uniform Protected Series Act</i>	The Uniform Protected Series Act provides a comprehensive framework for the formation and operation of a protected series limited liability company. A protected series LLC has both "horizontal" liability shields, as well as the standard "vertical" liability shield. All modern business entities provide the traditional, "vertical" shield – protecting the entity's owners (and their respective assets) from automatic, vicarious liability for the entity's debts. A series limited liability company provides "horizontal" shields – protecting each protected series (and its assets) from automatic, vicarious liability for the debts of the company and for the debts of any other protected series of the company. A horizontal shield likewise protects the series limited liability company (and its assets) from creditors of any protected series of the company. The legislation integrates the Act into Iowa's existing chapter 489 on LLCs. Repeals Iowa Code § 489.407(2)(f), viz., "Approve a merger, conversion, or domestication under Article 10.", and leave § 489.407(2) otherwise intact. Article 10 already requires unanimous consent as a default rule.	House: Subcommittee scheduled for 3/4/19 with Representative Lohse, Representative Oldson & Representative Paustian Senate: Subcommittee recommended passage, awaiting full Senate Judiciary Committee Vote
HF 324/SF 112 Probate & Trust Law <i>Certification of Trust Code Changes</i>	Amend Section 633A.4604(2) to allow any current trustee or an attorney for a current trustee to sign off on and execute certification of trust documents instead of requiring every trustees signature.	House: Unanimously passed House Judiciary Committee, read first time and placed on House Calendar Senate: Unanimously passed Senate Judiciary Committee, read first time and placed on Senate Calendar
HSB 20/SF 327 Probate & Trust Law <i>Calculation of Probate Court Costs</i>	Iowa Code §633.31 is currently being applied inconsistently throughout the state. There are now several district court cases declaring the clerks in at least six counties to be calculating court fees inappropriately. The bill addresses how the clerk of probate court determines and collects charges in connection with services provided in probate matters. Excludes from the determination of court fees property over which the court lacks probate jurisdiction and for which the clerk renders no services.	House: Subcommittee recommended passage, awaiting full House Judiciary Committee Vote. Senate: Unanimously passed the Senate Judiciary Committee, read first time and placed on Senate Calendar
HF 336/SF 158 Criminal Law <i>PCR Record</i>	Revisions to Chapter 822. Over approximately the last four years, county attorneys, defense lawyers, and the Attorney General have had significant problems obtaining access to underlying files for postconviction cases. In particular, effective postconviction litigation generally requires the underlying criminal file, as well as any prior postconviction files. Currently, the way that court clerks handle these postconviction file requests can vary widely from county to county. These inconsistent practices have resulted in attorneys and indigent defendants representing themselves pro se encountering extreme difficulty or confusion in acquiring the necessary documents for their cases. Working in collaboration with the Iowa Judicial Branch, the proposed legislation works to implement a uniform process for clerks and attorneys to follow that would resolve this confusion, for both the prosecution, the defense, and judicial branch employees.	House: Unanimously passed House Judiciary Committee, read first time and placed on the House Calendar. Senate: Unanimously passed Senate Judiciary Committee, read first time and placed on Senate Calendar.



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IOWA STATE BAR ASSOCIATION — 2019 Affirmative Legislative Program (Updated 3.1.2019)

Bill No./Subject	Bill Description	Bill Status
No Bill Number Probate & Trust, Family Law <i>Guardianship & Conservatorship Update</i>	Update and Revisions to Iowa's guardianship and conservatorship laws based upon the Probate Section's review of chapter 633 and the Iowa Supreme Court's Guardianship & Conservatorship Reform Task Force.	House: In final stage of editing/drafting with LSA. Senate: In final stage of editing/drafting with LSA.
No Bill Number Government Practice <i>ABD "Good Moral Character"</i>	Amends Iowa Code section 123.3(34)(a) definition of "Person of Good Moral Character" to clarify what to consider when determining good moral/financial standing. This is addressed in the Administrative Rules but the Government Practice Section believes this should be codified to provide better implementation and uniformity.	Working with Iowa Alcoholic Beverages Division to include the ISBA definition in their division bill covering licensing reform or by Administrative Rule.
HF 238/SF 152 Elder Law Section <i>Clarifying definition for Vulnerable Elder in Iowa's Elder Abuse Law</i>	This proposal amends Iowa Code section 235F.1(17), the definition of vulnerable elder. Currently, "Vulnerable elder" is defined as "a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of age or a mental or physical condition. This proposal changes the definition of "vulnerable elder" to mean "a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of a mental or physical condition or because of a personal circumstance which results in an increased risk of harm to the person." This change aims to clarify a Supreme Court decision that held that age alone was enough to prove that an individual is vulnerable, making every person over the age of 60 in Iowa a vulnerable adult unable to protect themselves. This change makes it clear that age alone is not enough, but must be accompanied by something more. This amendment ensures that older Iowan's autonomy in decision making is protected.	House: Unanimously passed House Judiciary Committee, read first time and placed on House Calendar. Senate: Passed full Senate Judiciary Committee with a vote of 10-4, read first time and placed on Senate Calendar.

IN ADDITION TO THE ABOVE LEGISLATIVE PROPOSALS, THE IOWA STATE BAR ASSOCIATION SUPPORTS THE FOLLOWING POSITIONS AS A PART OF ITS 2019 AFFIRMATIVE LEGISLATIVE PROGRAM:

- Full funding of indigent defense and adoption of legislation providing for \$5.00 per hour increase with an automatic cost of living increase in indigent defense fees.
- Full Funding of the Judicial Branch.
- Full funding for Legal Services.
- Full funding of the IA Secretary of State's Office as requested by IA Secretary of State Paul Pate.
- Full funding for the Office of Substitute Decision Maker to protect the interests of Iowans who have no one else to manage their financial and health care needs.
- Child abuse prevention and treatment efforts and funding for child abuse prevention and treatment.
- Oppose the legalization of title insurance. – *Will monitor issues regarding lawyer abstracting under Iowa Title Guaranty.*
- Oppose absolute immunity legislation.

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DISCIPLINARY OPINIONS

CASE NO. 18-1229: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. MATTHEW L. NOEL
Filed Feb 15, 2019

(From the opinion filed by Justice Christensen)

An audit by the Iowa State Public Defender revealed an Iowa attorney billed the state for services he did not perform and made excessive mileage claims. The attorney pled guilty to two counts of fourth-degree theft for billing for family team meetings he did not attend. The Iowa Supreme Court Attorney Disciplinary Board subsequently brought a complaint against the attorney alleging he violated numerous Iowa Rules of Professional Conduct while performing legal services for the SPD. The Iowa Supreme Court Grievance Commission found various violations of our ethical rules and recommended suspending the attorney's license to practice law in Iowa indefinitely for a period of at least one year from the date of our holding in this matter.

The attorney challenges the commission's recommended sanction and requests a 90-day suspension instead. Further, he argues the commission should not have relied on the doctrine of issue preclusion in determining he committed a criminal act based on his criminal convictions, nor should it have admitted the minutes of testimony from his criminal theft case as evidence. The attorney also maintains the commission made incorrect factual findings and erroneously concluded he violated certain ethical rules. After our de novo review of the record, we agree with the recommendation of the commission and suspend the attorney's license to practice law in the State of Iowa indefinitely for a period of at least one year.

CASE NO. 18-1719: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. BENJAMIN J. STANSBERRY
Filed Jan 25, 2019

(From the opinion filed by Justice Wiggins)

The Iowa Supreme Court Attorney Disciplinary Board brought a complaint against an attorney, alleging numerous violations of the Iowa Rules of Professional Conduct. The attorney

stole a woman colleague's underpants from her home, rifled through and photographed her undergarments in her bedroom and rifled through female colleagues' gym bags at the office to photograph their undergarments, all for his personal sexual gratification. A division of the Iowa Supreme Court Grievance Commission found the attorney's conduct violated our ethical rules.

Based on the attorney's violation of our rules, the commission recommended we suspend his license to practice law for not less than 90 days. On our de novo review, we find the attorney violated three provisions of our rules. However, we disagree with the length of the recommended suspension. We suspend the attorney's license to practice law indefinitely with no possibility of reinstatement for one year from the date of filing this opinion. We also find that before reinstatement, the attorney must provide an evaluation from a licensed healthcare professional verifying his fitness to practice law.

CASE NO. 18-1830: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. BRYAN JOHN HUMPHREY
Filed Jan 25, 2019

(From the opinion filed by Justice Mansfield)

An attorney failed to prosecute an appeal for one client, never communicated with a second client in a criminal matter and failed to address his loss of a third client's abstract of title. The attorney also dragged his feet in responding to the Iowa Supreme Court Attorney Disciplinary Board and, in one instance, misrepresented to the Board what he had done. In addition, the attorney has a significant history of discipline for similar misconduct. See Iowa Supreme Ct. Att'y Disciplinary Bd. v. Humphrey, 812 N.W.2d 659 (Iowa 2012); Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Humphrey, 551 N.W.2d 306 (Iowa 1996); Comm. on Prof'l Ethics & Conduct v. Humphrey, 529 N.W.2d 255 (Iowa 1995).

The attorney and the Board reached a stipulation as to facts and ethical rule violations, which included a recommended 60-day suspension of the attorney's license. The Iowa Supreme


Court Grievance Commission found this sanction to be too lenient and recommended an indefinite suspension of at least 18 months. We likewise find the stipulated sanction to be too lenient. We impose an indefinite suspension with no possibility of reinstatement for one year.

CASE NO. 18-1267: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. MICHAEL JON JACOBSMA
Filed Dec 07, 2018

(From the opinion filed by Justice Hecht)


The Iowa Supreme Court Attorney Disciplinary Board charged Michael Jacobsma with violating Iowa Rule of Professional Conduct 32:1.8(j) after Jacobsma self-reported having an intimate relationship with a client. The Iowa Supreme Court Grievance Commission found Jacobsma committed the ethical violation and recommended that his license be suspended for 30 days and that he continue with mental

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health counseling until discharged by his therapist in writing. Upon our de novo review of the commission's recommendation, we find Jacobsma engaged in sexual relations with a client and suspend his law license for 30 days.

CASE NO. 18-1582: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. MELISSA NINE
Filed Dec 07, 2018

(From the opinion filed by Justice Christensen)

An Iowa attorney engaged in an intimate relationship with one of her clients whom she was representing in a marriage dissolution matter. The Iowa Supreme Court Attorney Disciplinary Board charged the attorney with a violation of Iowa Rule of Professional Conduct 32:1.8(j) (sexual relationship with a client). Though the attorney initially expressed her disbelief at the charge when the Board sent her a notice letter requiring her to respond to the alleged misconduct, she admitted her wrongdoing soon thereafter and

fully cooperated with the Board.

The parties reached a factual stipulation, agreeing that the charged violation occurred. The grievance commission considered the matter without a hearing and concluded the attorney violated rule 32:1.8(j). The commission recommended the attorney's license be suspended for 30 days. Upon our de novo review, we conclude that the attorney violated rule 32:1.8(j). We agree with the commission's recommended sanction and suspend the attorney's license to practice law for 30 days.

CASE NO. 18-1365: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. DEREK T. MORAN
Filed Nov 09, 2018

(From the opinion filed by Justice Waterman)

The Iowa Supreme Court Attorney Disciplinary Board charged attorney Derek T. Moran with violating rules of professional conduct in connection with his representation of numerous commercial truck drivers and his

representation of a parent in a child custody matter. The charges included misappropriation or conversion of client funds. Moran failed to meet his burden under Iowa Court Rule 36.8(2) to produce evidence that he had a colorable future claim to unearned funds. The Iowa Supreme Court Grievance Commission found Moran violated multiple rules of professional conduct, including conversion of client funds and recommended revocation of his license. On our review, we determine that Moran converted client funds for his personal use, among other violations, and we revoke his license to practice law in the State of Iowa.

CASE NO. 18-1392: IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD V. LONNIE B. SAUNDERS
Filed Nov 09, 2018

(From the opinion filed by Justice Mansfield)

This attorney disciplinary proceeding requires us to address the recurring problem of attorneys who take premature probate fees. Before work was completed on an estate—in fact, over a year before the final report was filed and the court costs were paid—an attorney billed and collected the second half of his probate fee. Notably, the attorney had been publicly reprimanded for the same type of misconduct just a year and a half earlier.

The Iowa Supreme Court Attorney Disciplinary Board charged the attorney with violating several rules, including Iowa Rules of Professional Conduct 32:1.5(a) and 32:1.15(c). The parties stipulated to facts and rule violations and jointly recommended a 30-day suspension in light of the attorney's recent, prior reprimand for the identical misbehavior. The Iowa Supreme Court Grievance Commission agreed with that recommendation and passed it along to us. We, too, find violations of rules 32:1.5(a) and 32:1.15(c) and agree with the recommended sanction. Accordingly, we impose a 30-day suspension on the attorney's license to practice law in Iowa.

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FORMER U.S. ATTORNEY SPENDING RETIREMENT SAILING THE WORLD

ED & SUE KELLY HAVE TOUCHED FIVE CONTINENTS, 49 COUNTRIES IN NEARLY A DOZEN YEARS ABOARD THEIR 40-FOOT SAILBOAT

As often occurs when one discovers a passion for a certain activity, the discovery is totally by accident.

That's what happened to Ed Kelly, retired senior assistant U.S. attorney for the Southern District of Iowa, when he attended the Iowa Attorney General's annual training conference at Lake Okobojo in June 1971. Dave Dutton, the Black Hawk County Attorney in Waterloo, hauled a small sailboat to the conference. Ed, who was born in Kearney, Nebraska, and lived in West Liberty from age five, was "very impressed" and "smitten with the idea of sailing."

Fast forward to today. Ed and his wife Sue have sailed across the Atlantic Ocean and back. They completed the European Great Loop, which included being one of the first U.S. boats to sail into Vienna, Austria. And, they also completed the American Great Loop – one of the few boats in the world to complete both loops. They've touched five continents and 49 countries.

But back to the beginning of his love affair with sailing. When the freshly minted Iowa lawyer, who took the job

of Jefferson County Attorney in Fairfield just hours after he was admitted to the Iowa bar, got back to Fairfield he bought a tiny, styrofoam sailboat called a "Sea Snark" with the word "Kool" on its sail. Almost every night after work and any other time he had free time, he lashed the boat to the top of his Maverick car and took it to Lake Darling near Brighton. There he and his poodle, Bridget, would sail as long as time and daylight allowed.

In 1990, he was appointed as an assistant U.S. attorney for the Southern District of Iowa and moved to Des Moines. Shortly thereafter, he bought a 24-foot sail boat which he kept at Saylorville Lake. A couple of years later, he bought a 30-footer that he also kept at Saylorville.

Ultimately, he bought a 35-foot boat, the "Enjoue," from a person in Florida, and had it moved to Des Moines on a semi-trailer truck. He and Sue sailed it on Saylorville Lake until they moved it to Annapolis, Maryland, when Ed was detailed to Washington, D.C. by the U.S. Department of Justice as a cyber-crime consultant in 2004.



By **Steve Boeckman**,
Communications Director Emeritus

The first year they were in D.C., they sailed the DelMarva, a seven-day trip down the Chesapeake River, out into the Atlantic Intercoastal Waterway at Norfolk, Virginia, and along the coast, then back to Annapolis.

"I dreamed of the day when we could sail and stay on the boat Sunday night," Ed says. At this point, the couple had to be back to work on Monday morning, so Sunday night on the boat was not feasible.

Ed got the opportunity to devote full-time to sailing in January 2007. The DOJ offered him an early retirement. Before he retired, however, he had to argue three cases before the 8th Circuit Court of Appeals in St. Louis. He completed those arguments by the end of the month and the DOJ gave him his retirement papers. He returned to Annapolis where he lived on the Enjoue and prepared it for a lifetime of cruising.

Sue, who is a nurse practitioner, was working for an OBGYN clinic in Arlington, Virginia, at the time and couldn't retire until the end of June.

In November 2007, the couple saw

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the Angel Louise, a 40-foot catamaran with a 48-foot-high main mast, six sails and two Japanese-made diesel engines. As a catamaran, it had two hulls instead of the single hull on the Enjoue, which meant it drew less water (3.5 feet) and was more stable. It was also wider – 17 feet, three inches – and had two cabins with a double bed in each.

Officially called a “Catalac Catamaran,” the Angel Louise was built in England in 1987 by a man named Tom Lack. A retired military lawyer owned it and used it to sail from his home in Maine to his home in Fort Lauderdale, Florida. The boat had served as a U.S. Coast Guard auxiliary boat in the Miami, Florida, area for crowd control and for search and rescue missions.

The Kellys headed the Angel Louise to Charleston, South Carolina, from Annapolis shortly after Thanksgiving, arriving the week of Christmas. They had 12 people from five boats on board for Christmas dinner, Ed says, including one person who was a professional cook. “It was a wonderful assortment of people.”

The couple spent the next three years cruising to various places, mainly in the Caribbean.

TRANSATLANTIC VOYAGE

By May 17, 2011, “we got our courage screwed up enough to cross the Atlantic,” Ed says. They left in the fall of 2010 and spent the fall and winter around the Florida Keys before heading to

Georgia where they launched their trans-Atlantic journey.

“If Ben Franklin could cross the Atlantic eight times as a representative from the state of Pennsylvania to lobby in London, I figured we could do it,” Ed says. (See companion article about the sophisticated technological equipment the Kellys had that Franklin didn’t.)

Seven and a half days after leaving the U.S., they arrived in Bermuda where they stayed for 10 days. Then, they set sail for the Azores and arrived after 19 ½ days. The Azores are not only a place to stop in the Atlantic but a great destination, and they stayed there about a month.

ABOVE RIGHT: The Kellys photographed this dolphin jumping in the sea during their trip across the Atlantic. The Angel Louise cruises around six knots (nearly seven miles per hour) – about the speed of a bicyclist moving at a sustained pace.

ABOVE MIDDLE: A view of the Angel Louise out of the water shows the double hulls that give it stability and allow it to navigate in as little as three and a half feet of water.

ABOVE LEFT: The first sailboat Ed purchased after being exposed to sailing at Lake Okoboji in 1971 was this styrofoam model called a “Sea Snark,” which he sailed on Lake Darling near Brighton.

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Their destination was England. Twelve days after leaving the Azores, they arrived in Falmouth, England. It was the end of July.

Ed is an anglophile. He studied English history in college and was anxious to visit the country where that history was made. "I used to look out the window when the snow was falling in Iowa City and dream of the time when I would be able to do that," he says. Also, sailing and living on their own boat was the only way Ed and Sue figured they could afford to live in Europe.

The couple spent the the fall and winter at St. Catherine's Dock, London. The dock was built in the 1800s for the clipper ships, Ed says. It'll accommodate about 150 boats, including the queen's boat. It provided a good launching point for exploring London.

Ports typically charge about \$1 per foot of boat per day if you tie up to the dock, Ed says. Since the Angel Louise is 40-foot long, that's \$40. Many cruisers simply drop anchor in the port and

come ashore in a dinghy. There is either no charge for anchoring in the port, or the charge is very minimal.

The Kellys carry Dahon bicycles that fold up and fit in a bag for traveling when they are in port. "We've taken them into restaurants in New York City," Ed says. "They are perfectly safe."

CRUISING AROUND EUROPE

In May 2012, a year after they left the U.S. to cross the Atlantic, Ed and Sue began their next adventure – the great loop of Europe. It started by crossing the North Sea, then cruising up the Rhine River to the Main, then over the EU Continental Divide, down the Danube River and eventually out into the Black Sea. They arrived in Turkey in October 2012 and spent the winter in Marmaris on the southwest Turkish coast, the same port where Admiral Lord Nelson had anchored his fleet two centuries earlier before sinking the French fleet off Egypt's coast in the Battle of the Nile.

At the end of March/beginning of April 2013, the duo headed out through the Aegean Sea, touched numerous ports in the Mediterranean Sea and eventually sailed back to England, arriving in October 2013. They stayed in London for the winter, then began positioning themselves to sail back across the Atlantic to the U.S.

The complete loop from London to London covered 6,200 miles and took 494 days.

The trip back to the U.S. began in December 2014, after they spent the spring, summer and fall visiting various points in Spain, Portugal and the Canary Islands off the west coast of Africa. They arrived in Antiqua, Bahamas, in the middle of January 2015, having spent Christmas and New Year at sea. They followed a course similar to the one Columbus followed when he discovered the new world in 1492. Ed later experienced what he assumed Columbus must have experienced seeing the Island of Sap Salvador on the Bahamas looming larger and larger on the horizon as they sailed west.

The trip from the Canary Islands to Antiqua was the longest time – 26½ days – the Kellys have spent on the boat without disembarking. Ed says cruisers typically spend 95 percent of their time

in harbors, actually only travelling on the water about five percent of the time.

Not long after they returned to the U.S., someone told them about the American Great Loop, so they decided to tackle it. Departing from Stuart, Florida, they cruised up the east coast, through the Erie Canal and the Canadian canals into the great lakes, then down the Mississippi River to the Illinois and Ohio Rivers, down the Tennessee River and canals to Mobile, Alabama, through the Gulf of Mexico and to their starting point at Stuart. It took 329 days and covered 5,150 miles to make the American Loop, Ed says. They became the first boat and people to complete both continents' great loops.

WHAT'S AHEAD?

"We really don't know," Ed says, about the couple's future plans. He was elected president of the Seven Seas Cruising Association (SSCA) for this year, so he is dedicating a whole year to that.

SSCA is a 65-year-old organization designed to assist people living on the water and cruising, Ed says. It's the oldest American organization devoted to that mission.

As president, he plans to host several cruises for cruising sailors along the Atlantic Intercostal Waterway. There will be stops along the way, and the cruisers will gather for food and fellowship in the evenings.

Meeting wonderful people is one of the major benefits of cruising, Ed says. He and Sue have met people from all over the world who share the same passion for cruising as they do, and who are willing to help each other when needed.

One example occurred on their cruise across the Atlantic to England. A boat from the Netherlands hailed them and asked if they wanted pictures taken of the Angel Louise as she cruised in the Atlantic. The boat was headed to the Netherlands from the Caribbean so the kids could go back to school. Of course, the Kellys accepted and offered to photograph the Netherlands boat as well. It turns out that boat was one of several spread out over about an 80-square-mile area, all heading to the same destination.

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It's obvious the Kellys prefer living on the water rather than on land. A few years ago, they bought a cottage near New Bern, North Carolina, at the unincorporated community of Fairfield Harbor. However, Ed advises they only spent 80 nights in the cottage from April 2016 through January 2019.

Sailing is definitely in their blood. As Ed puts it: "Sailing is something you can learn in an hour or an afternoon, then spend a lifetime mastering."



Sue and Ed Kelly hold pennants from their completions of the European Great Loop and the American Great Loop. They were the first people and the first boat to complete both loops.

SAILING AIN'T WHAT IT USED TO BE

Technology gives sailors the equivalent of self-driving cars

When Ed and Sue Kelly embarked on their trip across the Atlantic in May 2011, they had the backing of sophisticated technological tools to guide them.

The Angel Louise has an onboard chart plotter which has large maps that show them where they are and where they're going. Today, you can get the same thing as an app on your phone, tablet or laptop for about \$50, Ed says.

The boat also has a compass that ties into its steering mechanism. You set the compass heading for where you want to go, and it automatically adjusts the steering to keep you on that course, Ed says. It's like autopilot on a plane. Occasionally, you have to make small adjustments, but generally the compass keeps you on course unless you're close to land.

In addition, the boat is equipped with an "AIS" system. It continuously broadcasts the Angel Louise's name, location and speed to any boats in the vicinity. It also picks up the identity of other vessels, their locations and speed.

The Kellys both have Merchant Mariners licenses issued by the U.S. Coast Guard. They also have International Certificates of Competence, preferred, though not required, by some European countries. "They say you don't have to have the certificate, but they can make you wish you had," Ed says. The duo found that out when they entered one of the eastern European countries on their loop around Europe.

When they are cruising, one of them is always on duty. Typically, they trade off every three hours. The person on duty is always outside monitoring what's going on in their boat and watching for what's in the water and for other vessels. Ed says a friend of theirs came upon a refrigerator floating in the middle of the Atlantic one time. Generally, though, the water is pretty clear and nice, he says.



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TRANSITIONS



LAMARCA

Shareholders, Gary G. Mattson, James J. Biscoglia, and Ryan C. Nixon, along with the lawyers and staff of LaMarca Law Group, P.C., congratulate its founder, **George A. LaMarca**, on the occasion of his retirement and transition to of-counsel status with the firm that began Oct. 1, 2018.

Dan W. Smith, Advanced Markets Specialist with the Midwest Region Business Center of Principal Financial Group, retired from the practice of law on Jan. 31.



FARMER

Samantha Farmer has joined Hartung Schroeder, LLP, in Des Moines. She received her J.D. from the Drake University Law School. Samantha will maintain a practice focused on Real Property, Trust and Estate Law.



BRING

Jason D. Bring has been elected a partner at Heidman Law Firm in Sioux City. He is a member of the firm's litigation practice group. His general practice includes commercial law, criminal law, administrative law, business law, real estate law, torts and personal injury. Jason earned his J.D. from the University of Nebraska College of Law.

Marina Grabchuk and **Laura Ingram** have been promoted to Shareholder at Belin McCormick, P.C. in Des Moines.



GRABCHUK

Grabchuk focuses her practice on immigration and trademarks. Marina received her undergraduate degree from the University of Washington and obtained her law degree from the University of California-Hastings.



INGRAM

Ingram graduated from New York University School of Law with a Masters of Laws (LL.M.) degree in taxation. Laura focuses her practice on tax, trusts and estates, nonprofit organizations and charitable giving. Laura received her undergraduate degree from Wesleyan University and obtained her law degree from the University of Texas where she graduated with high honors.



O'HOLLEARN

Matthew R. O'Hollearn is now a Shareholder of Brick Gentry P.C. in West Des Moines. He joined Brick Gentry P.C. in 2012 after serving as law clerk for Judge Michael R. Mullins and Justice Edward M. Mansfield, of the Iowa Court of Appeals and the Iowa Supreme Court, respectively. Matthew received his J.D. in 2009 from Drake University Law School.



LYONS

Erin P. Lyons joined Lincoln Savings Bank's Waterloo office as a vice president and trust officer. He received his J.D. from the University of Iowa College of Law and served as a trial lawyer in Waterloo for 13 years before joining LSB.



GHADIRI

Misha N. Ghadiri has joined the Viner Law Firm in Cedar Rapids as an associate. She received her J.D. from the University of Iowa College of Law in 2017. Her practice focuses on criminal defense and family law.



WACHAL

Adam J. Wachal has been elected as a shareholder of Gross & Welch in Omaha, Nebraska. Adam earned his law degree from Creighton University in 2010. His practice has been primarily focused on civil litigation, insurance defense, insurance coverage litigation and appellate practice.



GALLO

Katie L. Gallo and **Bryan O. Marty** have been named partners at Shindler, Anderson, Goplerud & Weese, P.C. in West Des Moines. **James R. Hinchliff** and **Chas Cahill** have joined the firm as associate attorneys.

Gallo earned her J.D. from Drake University Law School in 2009 and has been with the firm since 2014. She practices primarily in the areas of divorce, child custody, visitation, child support, juvenile law and litigation.



MARTY

Marty earned his J.D. from the University of St. Thomas School of Law in 2010 and has been with the firm since 2014. He practices primarily in the areas of personal injury, medical malpractice, product liability, workers' compensation and class action.



HINCHLIFF

Hinchliff practices in the area of family law, civil litigation, appellate law and estate planning. Prior to joining Shindler, Anderson, Goplerud & Weese, he was an associate attorney at Finneseth, Dalen & Powell in Perry.



CAHILL

Cahill received his J.D. from Drake University Law School in May 2018. His practice focuses on family law, business law, personal injury, criminal defense, real estate and contract law.

Joseph Moser has been named a shareholder of Finley Law Firm in Des Moines. **Abigail Thiel** has joined the firm as an associate.

Moser maintains a civil litigation practice, representing clients in Iowa's state and federal courts. His practice focuses on trial work, primarily defending individuals and businesses in a wide-range of matters.

Thiel earned her J.D. from Drake University Law School. While at Drake, she was managing editor of the Drake Law Review and served as president of Drake Law School's Moot Court Board.



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The ISBA congratulates the following individual and firm for the recognition they have received:

LaMarca Law Group for receiving the IAJ Public Service Award. The award was presented to Gary G. Mattson, James J. Biscoglia and Ryan C. Nixon in recognition of their exceptional trial advocacy in the case of *Young v. HealthPort Technologies, Inc.* The landmark case stopped the medical industry from utilizing third parties to evade statutory restrictions on medical billing charges and provides future protection to injured Iowans from price gouging when requesting their own medical billing statements as needed to litigate claims.

Paul Morf for being elected board president of the Iowa Academy of Trust & Estate Counsel. He has served as IATEC's vice president since it was established in 2012. Membership to IATEC is by invitation only and is limited to 250 Iowa attorneys. The organization exists to foster cooperation and collective discussion within the Iowa trust and estate planning bar, and to educate and support legislative efforts and initiatives for facilitating the effective transmission of wealth and values of Iowa families.



MAXON

Robin Maxon, Amanda Motto, Eric Updegraff, and Courtney Wilson have been named shareholders at Hopkins & Huebner, P.C., in Des Moines.

Maxon has been practicing law in Iowa since 1982 and Kansas since 1988. She now practices primarily in personal injury and workers' compensation for plaintiffs and claimants.



MOTTO

Motto joined Hopkins & Huebner in 2011, practicing in liability defense. She now focuses on workers' compensation defense, representing Illinois and Iowa insurance companies, employers and self-insured businesses.



UPDEGRAFF

Updegraff has practiced law in Iowa since 2004 and joined Hopkins & Huebner in 2016. He practices primarily in employment and municipal law.

Wilson has been practicing law in Iowa since 2012 and in Illinois since 2015. She is a graduate of Drake University Law School and joined Hopkins & Huebner in 2017.



WILSON

McCormally & Cosgrove, PLLC have moved to new offices at 4508 Fleur Drive, Des Moines, IA 50321.



CLE Calendar

March 28

Basics of Mediation for the Attorney
(Live Webinar)

April 3

Juvenile Law Seminar
(In-person or Live Webinar)
Des Moines

April 4

Criminal Law Seminar
(In-person or Live Webinar)
Des Moines

April 5

Commercial and Bankruptcy Law Seminar
(In-person or Live Webinar)
Des Moines

April 17

Estate and Tax Planning Basics Non-Taxable Estates
(Live Webinar)

April 30

The Mechanics of Iowa's Mechanics' Lien Law
(Live Webinar)

May 7

Employment Handbook Basics
(Live Webinar)

May 8

HIPAA Basics for Lawyers
(Live Webinar)

May 10

Tax and Fiduciary Update
(In-person or Live Webinar)
Des Moines

June 10-12

Annual Meeting
Des Moines

IN MEMORIAM

Dennis D. Jasper, 69, of Bettendorf died July 21, 2018. Jasper was born in Davenport in 1949. He received his J.D. from the University of South Carolina School of Law in 1974 and served in the U.S. Air Force until 1981. He was an accomplished attorney of 44 years and the secretary of the Scott County Bar Association for the last 30 years.

Bradford F. Kollars, 69, of Sioux City died Nov. 30, 2018. Kollars was born in Yankton, S.D. in 1949. He received his J.D. from the University of Texas. He practiced law in Sioux City for 36 years from 1976 until 2012.

Richard E. Croker, 95, of Omaha died Jan. 2.

Mary Margaret Lainson, 79, of Iowa City died Jan. 14. Lainson was born in 1939 in Lake City. She received her J.D. from the University of Iowa College of Law in 1976. After graduation, she worked as an attorney for the Meardon, Sueppel, Downer, and Hayes law firm. She became a partner in 1982, staying with the firm until she retired in 2005.

Joseph J. Straub, 89, of Whittemore, died Jan. 17. Straub was born in New York City. He received his J.D. from the University of Notre Dame in 1955. Upon moving to Algona, he joined the law firm of Linnan & Lynch. He later served as county attorney, then worked in private practice until being appointed judge to the Iowa district court in 1987. After taking mandatory retirement at 79, he joined his son, Joe III at the Straub Law Office practicing as a mediator and private attorney.

John Jacob Bouma, 82, of Phoenix, Ariz., died Jan. 22. Bouma was born in Pocahontas. He served in the Army JAG Corp., assigned to Fort Huachuca, Arizona. He then joined Snell & Wilmer in Phoenix, Arizona. Eventually, he became chairman of Snell & Wilmer in 1983 and grew the firm to over 450 attorneys, making it the largest homegrown law firm in the Southwest.

Donald Sherinian, 86, of Urbandale died Feb. 1. Sherinian was born in Detroit in 1932. He served in the Army and received his J.D. from Drake University Law School. He became an owner of Chamberlain, Kirk & Cline with partners Joe Kirk and Dick Grassman. He then served as in-house counsel for Microware and assisted employees through the immigration process. With his experience in immigration law, Sherinian returned to California and opened an immigration practice.

Patricia Elaine Merck, 68, of West Des Moines died Feb. 7. Merck was born in Demorest, Georgia. She received her J.D. from the University of Denver in Colorado. She taught for 10+ years and was most recently at Purdue Global in Urbandale.

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POSITIONS AVAILABLE

Assistant United States Attorney - United States Attorney Southern District of Iowa, Des Moines, IA - Assistant United States Attorneys in the Southern District of Iowa handle a wide variety of complex cases, including drug trafficking and money laundering crimes, terrorism-related offenses, firearms and other violent crime offenses (including under the department's Project Safe Neighborhoods and Project Safe Childhood initiatives), cyber-crimes, environmental crimes, immigration crimes and a variety of financial fraud and white-collar offenses. This vacancy is in the Criminal Division. This and other attorney vacancy announcements can be found at: <https://www.justice.gov/legal-careers/vacancies>

Liability Insurance Defense Attorney - Hopkins & Huebner P.C., Des Moines, IA - The law firm of Hopkins & Huebner, P.C. is seeking an associate attorney with at least three years of litigation experience, including strong writing and research skills, for our Des Moines office. Salary commensurate with experience. Excellent benefits. Applicants will find that Hopkins & Huebner, P.C. emphasizes a professional collegiality and offers opportunity, growth and challenges in its practice areas. To apply, visit <https://careers.iowabar.org/jobs/11798187/liability-insurance-defense-attorney>

Associate Attorney - Harned & McMeen, Marengo, IA - Well-established central Iowa general practice law firm also serving as a part-time prosecutor's office seeks associate attorney with 0 to 5 years of experience to join the practice. Primary areas of practice include income tax preparation, probate, estate planning, wills, real estate, family law and prosecution of criminal cases. Firm is centrally located within 30 minutes of Iowa City and Cedar Rapids. Interested candidates should send cover letter, resume, transcript and references in confidence to Tim D. McMeen, Harned & McMeen, PO Box 267, Marengo, IA 52301, or email to mcmeenlaw@netins.net.

Law Clerk - Hupy and Abraham, S.C., P.C., West Des Moines, IA - Hupy and Abraham S.C., an AV-rated personal injury law firm is looking for a motivated law clerk for the West Des Moines office. Our law clerks are generally responsible for supporting the attorney by performing a wide range of tasks to assist in the litigation process. To apply, visit <https://careers.iowabar.org/jobs/11923400/law-clerk>

Attorney - Pasley and Singer Law Firm, L.L.P., Ames, IA - Pasley and Singer Law Firm, L.L.P. seeks to hire a general practice attorney. We have been serving Story County and central Iowa clients since 1906, and we are looking for an attorney who is able to dedicate himself or herself to this mission for the long term. Qualified candidates must be admitted to practice law in the state of Iowa. Applications should include a resume or CV and cover letter sent to Amanda Hassid, Pasley and Singer Law Firm, L.L.P., PO Box 664, Ames, IA 50010 or by email at ahassid@singerlaw.com. Questions are welcome by phone at (515) 232-4732.

Associate Attorney - Carmony Law Firm, PLLC, Des Moines, IA - Seeking an associate attorney with 0-3 years of relevant legal experience. Candidate must demonstrate genuine interest in civil litigation and trial practice, a capacity to handle a busy and interesting case load, and a commitment to ethical practice. To apply, visit <https://careers.iowabar.org/jobs/11939710/associate-attorney>

Associate Attorney - Bruner, Bruner, Reinhart & Morton, LLP, Carroll, IA - Seeking an associate with 0-5 years' experience in a well-established county seat, four-member general practice firm. Primary areas of practice include real estate, probate, trusts, taxation, municipal and business law. Applicants should possess effective communication skills, strong work ethic, community minded spirit, team-oriented attitude and desire to become a partner. Please email cover letter and resume to: David S. Bruner dbruner@brunerlegal.com

Associate Attorney - Confidential Employer, Davenport, IA - Quad City law firm seeking an attorney to practice in the areas of estate planning, probate, elder law, real estate, tax, business formation and business transactions. Strong tax or accounting background is beneficial; experience preferred but not required. Position requires a J.D. from an accredited law school, a license to practice law in Illinois or Iowa and the willingness to take the additional state bar exam within one year of employment. Knowledge of Word, Office and Adobe software is a plus. Please submit a cover letter, resume, unofficial transcript and writing sample in confidence to QCEPLaw@gmail.com. Please upload all required documents as PDF attachments.

Managing Attorney - Kids First Law Center, Des Moines, IA - Kids First, a nonprofit children's law center, is seeking a full-time managing attorney who is passionate about providing quality legal representation to children in the Des Moines area. The managing attorney in Kids First Law Center's satellite office in Des Moines will be the primary point person for that office. His/her main responsibility is to provide legal representation for children in high-conflict family law cases. The Des Moines team also assumes primary responsibility for the fundraising and administration of the local office. Applicants should send a cover letter, resume, and list of references to: Jenny Schulz, Executive Director, Kids First Law Center, 420 6th Street SE, Suite 160, Cedar Rapids, IA 52401, or email: jenny@kidsfirstiowa.org.

Administrative Services Coordinator to the Associate Vice President for Legal Affairs - University of Iowa Health Care, Iowa City, IA - Seeking an administrative services coordinator to the Associate Vice President for Legal Affairs. This individual will provide administrative services to the Associate Vice President for Legal Affairs and Deputy Counsel and perform administrative responsibilities

requiring discretion, independent judgment and a high degree of customer service. Please attach a resume and cover letter as part of the application process. For questions or additional information, please contact sharon-k-kramer@uiowa.edu. To apply, visit <https://uiowa.referrals.selectminds.com/jobs/admin-services-coordinator-2059>

Associate Attorney - McEnroe, Gotsdiner, Brewer, Steinbach & Rothman, P.C., West Des Moines, IA - McEnroe, Gotsdiner, Brewer, Steinbach, and Rothman, P.C. is a West Des Moines general practice law firm. We are in our 31st year and we are looking to hire an additional associate attorney. All candidates must have at least two years of experience. Attorneys with an established practice, looking to expand their capabilities are ideal. Preferred practice areas include Probate, Tax, Bankruptcy, Immigration or Workers Comp. A general practice lawyer would also be a good fit. Send resumes to Daniel Rothman at drothman@mcenroelaw.com.

Assistant United States Attorney - Civil - United States Attorney's Office, Cedar Rapids, IA - The United States Attorney's Office for the Northern District of Iowa has a civil attorney vacancy to be filled in our Cedar Rapids office. The attorney filling this position will have the opportunity to focus on the office's Affirmative Civil Enforcement (ACE) cases, where the attorney will be responsible for the investigation and litigation of ACE matters, including health care fraud cases, civil violations of the Controlled Substances Act, and other affirmative investigations. To apply, visit <https://www.justice.gov/legal-careers/job/assistant-united-states-attorney-ausa-civil-0>

Associate Attorney - McDonald, Woodward & Carlson, P.C., Davenport, IA - Our established Davenport trial practice firm is currently seeking an associate attorney with at least 2-4 years of hands-on litigation experience. We are seeking a highly motivated trial lawyer who is looking to further his/her career. Must possess excellent communication skills and be organized, detail-oriented and self-motivated. We offer a competitive compensation and benefits package including medical and 401k. Must be licensed to practice in Iowa, although an Illinois license is a plus. To apply visit <https://careers.iowabar.org/jobs/12005529/associate-attorney>

Assistant City Attorney - City of Iowa City, Iowa City, IA - Seeking an assistant city attorney. Under general supervision from city attorney, provides legal services to city council, staff, boards and commissions. Five years of related experience and/or training preferred. Litigation experience preferred. To apply or see the full job description including a listing of essential duties and responsibilities and necessary knowledge, skills and abilities go to www.icgov.org/jobs under Job Descriptions.

Iowa Title Guaranty Director - Iowa Finance Authority, Des Moines, IA - The Iowa Finance Authority is searching for an outstanding,

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Associate Attorney - Califf & Harper, P.C., Moline, IL – Califf & Harper, P.C., seeks to hire an associate attorney with a strong academic background and excellent writing skills. We are looking for candidates who are energetic, self-motivated, hardworking and detail oriented. To apply, visit <https://careers.iowabar.org/jobs/12024497/associate-attorney>

Director, Career Development office - Drake University Law School, Des Moines, IA – Drake University Law School seeks a Director, Career Development office, to lead the law school's work to support and counsel students and alumni in areas such as professional development, seeking employment and drafting application materials, and developing educational activities on relevant topics. The director also leads efforts in employer and industry relations and data collection/reporting. A successful applicant should have excellent oral and written communication skills, work well with others, be organized, and

be able to adapt counseling and communication skills to meet various needs. Expected start date in June 2019. To apply, visit <https://careers.iowabar.org/jobs/12028235/director-career-development-office>

FOR SALE

OFFICE EQUIPMENT

Copier - Due to the tornado which hit Marshalltown last July I have combined my law practice with another firm and am no longer in need of my copier which I leased new last May. The copier is a Xerox C8045 color copier/printer/scanner/fax with 5 paper source drawers and a staple finisher which is subject to a lease/service contract until May, 2023. The lease payment is \$400 per month and includes service and supplies for 120,000 monochrome and 4800 color images per year as well as all parts, labor, toner and supplies with the only exclusions being paper and staples. The monthly payment will increase each May by 3-4 percent due to costs associated with servicing as the copier ages. Anyone interested in this opportunity will work directly with my supplier for delivery and installation to new location which can be virtually anywhere within Iowa.

2U Rackmount Server - Intel Xeon E3-1245 3.7 GHz, 32GB DDR Memory, 2x256 SSD OS Drives, 2x2TB storage drives. The server is 6 months old and in excellent

condition. Asking \$2,400 and I will deliver anywhere in Iowa. Please contact me if interested or have questions about the copier or server. Brian Danielson, 641-752-8800; [bldanielson@pegglaw.com](mailto:bltdanielson@pegglaw.com)

LAW BOOKS - The Legislative Services Agency is publishing new printed editions of its official legal publications which are now available, including the Iowa Code, Iowa Acts, Iowa Court Rules and the Iowa Official Register. Also available is the newest download version of the Iowa Law Infobase, including official PDF versions and unofficial versions of these legal publications accessible by using the powerful Folio Views™ search and retrieval program. Look for the printed order form in this edition of the Iowa Lawyer on page 29. You may also order a new printed official legal publication or the Iowa Law Infobase by visiting the LSA website at: www.legis.iowa.gov/law/information. Practitioners can also obtain other legislative information free of charge, either by accessing www.legis.iowa.gov/subscribe/subscriptions on a subscription basis or by accessing www.legis.iowa.gov/law anytime.

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SPOTLIGHT ON SERVICE

The ISBA Public Relations Committee honors an Iowa attorney or group of attorneys each month in this special feature in The Iowa Lawyer. If you would like to nominate someone to be recognized for his or her work in the community, please contact **Melissa Higgins, mhiggins@iowabar.org**.



MEGHAN MALLOY



Malloy (left) is pictured with fellow JLDM members at a check presentation from donor Sammons Financial, which contributed to the JLDM Community Outreach Program.

Des Moines attorney Meghan Malloy never knew that an organization her family relied on would eventually become one she would have the opportunity to help. As current President of the Junior League of Des Moines (JLDM), Malloy oversees a membership organization focused on voluntarism and training women leaders. The most well-known of the JLDM projects is ChildServe, a non-profit medical campus providing services to children and young adults with complex or unique medical needs. It opened in 1928 as the Junior League Convalescent Home, to treat children with polio, tuberculosis and rheumatic fever.

Malloy's nine-year-old son, Judah, was born with a very severe brain injury, and has required intensive medical services his entire life. Since Judah was an infant, ChildServe has been a near-weekly part of their life – therapies, respite, extended recovery services

following a significant hip surgery, and someday, Malloy says, he will likely be a resident of ChildServe's residential unit for severely disabled children and young adults.

"This is such a special place, and I had no idea this was a Junior League project until after I joined the League in 2014," explained Malloy, who also has two other children, age two and six months.

Malloy has served previous roles with JLDM, including Executive Vice President, Community Research and Development Manager, and Public Policy Committee Chair, which involved planning the organization's annual Hill Day. The Iowa State Capitol is a familiar place for Malloy, who is a registered lobbyist. She is also General Counsel for Heartland Strategies LLC, and runs Malloy Lobbying & Law Firm, PLLC.

Another program she has volunteered with through JLDM is the Too Good To Lose program, a juvenile delinquency court program focused on

girls and substance abuse which started in Polk County, first led by Judge Susan Cox.

"I had the privilege of meeting these young women a few times to discuss the importance of voting and took them on a tour of our state capitol," Malloy recalled. "It was the first time any of the young women had visited the capitol and they were able to see firsthand how the Iowa Legislature impacts their daily lives and futures. These young women are bright and ambitious, but they need to know there are people who truly care about them, and that a successful life awaits them, despite mistakes they have made as teens."

Malloy is also an inaugural board member of the Polk County Juvenile Drug Court Collaborative, and past member of the Polk County Women's Attorneys and legal volunteer for Justice For Our Neighbors. She sees volunteer work as crucial in a profession where you are often seen as a pillar in your community.

"For most of us (attorneys), our clients come to us because they have hit a low – if not the lowest – point in their lives and rely on us to help them through the situation that brought them to that point," she said. "Our profession enriches our communities when we show that same desire to help and serve others in the way we do our clients."

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